

EXHIBIT 1

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF QUEENS: CRIMINAL TERM, PART TAP-B
-----X

3 THE PEOPLE OF THE STATE OF NEW YORK,

Ind. No.
2892/05

4 -against-

PROCEEDINGS

5 YANG FENG ZHAO,

6 Defendant.
-----X

7
8 December 18, 2006
9 Queens Supreme Court
10 125-01 Queens Boulevard
11 Kew Gardens, New York 11415

12 B E F O R E :

HONORABLE RANDALL T. ENG,
JUSTICE

13
14 A P P E A R A N C E S :

15 For the People:

16 RICHARD A. BROWN, ESQ.
District Attorney, Queens County
17 BY: EUGENE REIBSTEIN, ESQ.
Assistant District Attorney
18

19 For the Defendant:

20 SIEGLE & SIMS, ESQS.
21 217 Broadway
New York, New York

22 BY: ERIC SIEGLE, ESQ.

23
24
25 GLORIA L. PRATT
Official Court Reporter

glp

PROCEEDINGS

1 THE CLERK: Calendar number three,
2 indictment 2892 of '05, Yang Feng Zhao, who is
3 present. The Mandarin interpreter is required
4 and present.

5 Appearances for the record.

6 MR. REIBSTEIN: Assistant district
7 attorney Eugene R-E-I-B-S-T-E-I-N.

8 MR. SIEGLE: For Mr. Zhao, Eric Siegle,
9 from Siegle and Sims, 217 Broadway, New York,
10 New York.

11 Good morning, your Honor.

12 MR. REIBSTEIN: May we approach for a
13 moment?

14 THE COURT: Come up.

15 THE INTERPRETER: Mandarin interpreter,
16 George Kao.

17 THE COURT: Let me have the indictment on
18 the bench, please.

19 (Hanging.)

20 THE COURT: Presently open before the
21 Court is indictment number 2892 of '05
22 containing now two counts of murder in the
23 second degree and one count of criminal
24 possession of a weapon in the fourth degree.

25 Mr. Reibstein, what is the position of the

PROCEEDINGS

1 People?

2 MR. REIBSTEIN: Your Honor, the position
3 of the People is this is not the man who
4 committed that murder. And we are moving to
5 dismiss the count against him, so we can go get
6 the real guy.

7 THE COURT: That's as to each of the
8 indictments contained in this count in this
9 indictment in this case; is that correct?

10 MR. REIBSTEIN: Yes.

11 THE COURT: I understand there is no
12 objection by the defense.

13 MR. SIEGLE: No, your Honor, no objection.

14 THE COURT: I want to compliment everyone
15 in their diligence in this matter. And the
16 Court does trust that the interests of justice

17 (Continued next page.)
18
19
20
21
22
23
24
25

PROCEEDINGS

1 Have been served. Accordingly the motion
2 to dismiss the indictment and every count
3 contained therein, Mr. Zhao, this is dismissed
4 in its entirety and the indictment is ordered
5 sealed. The defendant discharged.

6 MR. REIBSTEIN: Thank you.

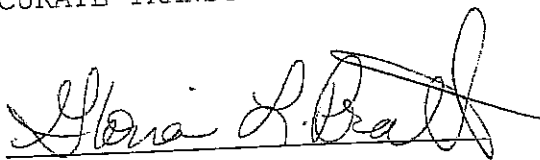
7 MR. SIEGLE: Thank you, your Honor.

8 *

*

*

9 CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT OF THE
10 ABOVEMENTIONED TRANSCRIPT.



11
12 GLORIA LYNN PRATT

13 OFFICIAL COURT REPORTER
14
15
16
17
18
19
20
21
22
23
24
25